

## **Nomination for Judges, Justices and Prosecutors Policy and Procedures**

**Purpose:** to provide instruction to the Legislative Office on the procedures to follow once Tribal Council approves by motion the “acceptance of a nomination” from the Executive for either a Judicial or Prosecutorial appointment.

**Section I.** Upon notice of the approved motion for acceptance of a nomination by Tribal Council, The Legislative Office shall compile the following information prior to setting up an interview for the nominee with Tribal Council:

- A. Background Checks: the Legislative Office shall obtain a background information release from the nominee and shall forward same to Human Resources Department along with a request for background check that includes criminal, professional references, education and employment verification, civil court and credit checks.
  - 1. Criminal: Judges, Justices and Prosecutors have control over Indian children. Human Resources Department shall report as to whether a nominee has been found guilty of, or entered a plea of nolo contendere or guilty to, any misdemeanor or felonious offense, under Federal, State or Tribal Law involving crimes of: Violence, Sexual Assault, molestation, Exploitation, Contact or Prostitution, Offense Committed Against Children, Offenses Against The Person, Homicide, Assault and Reckless Endangerment, Kidnapping and Custodial Interference, Sexual Offense, Robbery, Extortion and Coercion or has been convicted of, or completed a sentence of or probation of any felony within the last 10 years, unless such conviction has been vacated or overturned.
  - 2. Professional References: The Legislative Office shall request from the nominees at least three (3) professional references. These references shall be submitted to the Human Resources Department for evaluation.
  - 3. Education and Employment Verification: The Human Resources Department shall verify each educational institution and listed degrees and shall verify the employers list along with titles and dates of employment and shall determine if there are any discrepancies with either the listed education or employment.
  - 4. Civil Court histories and credit checks: The Human Resources Department shall assesses and make a determination as to whether the nominee has any outstanding civil court actions regarding debt, liabilities

including judgments, garnishments, foreclosures, repossessions or bankruptcies within the last 7 years along with a current credit check that would effect the credibility or decision making of the nominee.

B. The Human Resources Department shall prepare a report that contains all of the above listed determinations and shall prepare and submit a copy to Tribal Council and the Legislative Office.

C. Verification of Eligibility: the Legislative Office shall request verification documentation from the nominee for the constitutionally mandated eligibility requirements as follows:

1. Judges:

- a) proof that the nominee has attained the age of thirty (30) years;
- b) proof that the nominee is at least one fourth (1/4) North American Indian;

2. Justices:

- a) a "Letter of Good Standing" from any state bar in the United States or a current copy of a state bar license, if the nominee is being nominated at the required licensed attorney position.
- b) proof that the nominee is over the age of fifty-five, if the nominee is being nominated for the Elder Justice position.
- c) proof that the nominee is a Tribal Citizen if the nominee is being nominated for any position other than the attorney position.

3. Prosecutor:

- a) a "Letter of Good Standing" from any state bar in the United States or a current copy of a state bar license.
- b) proof that the nominee is at least on fourth (1/4) North American Indian if the nominee has indicated such preference.

D. Resumes and Writing Samples: the Office Manager shall request from the nominees a writing sample, preferably a court decision if applicable.

## **Section II. Interviews**

A. The Legislative Office shall contact the nominee and set up an interview.

B. The interview shall be open to the public as defined in the Open Meetings Statute.

C. A quorum of Tribal Council is not needed for an interview to be conducted.

**Section III. Voting:**

A. All appointments of nominees shall be by an affirmative vote of six (6) of the nine (9) members of Tribal Council in an open session.

B. Legislative Leader shall ask the Tribal Council Secretary for a roll call vote.

C. Tribal Council members shall abstain from any vote regarding any immediate family member as defined in the Constitution.